

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO JAVIER VARGAS, JR.,

Plaintiff,

v.

JOSIE GONZALES, et al.,

Defendants.

No. 2:21-cv-1839 TLN AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed a motion for an extension of time and for leave to appeal the June 17, 2022 order denying his motion for leave to proceed in forma pauperis.¹ ECF No. 14.


Plaintiff requests a six-month extension of time to pay the filing fee in this action on the ground that he will be released from custody in the near future, at which time he will be able to pay the fee. Id. at 2-3. This case cannot proceed until plaintiff has paid the filing fee, and the court will not effectively place this case on hold for six months to allow him to pay the fee. See L.R. 121(c) (requiring fees to be paid in advance). Plaintiff will be afforded a thirty-day extension of time to pay the filing fee and is cautioned that failure to pay the fee within that time will result in a recommendation that this action be dismissed. With respect to the request for

¹ The motion also includes objections to the June 17, 2022 order which will be addressed by the assigned district judge.

1 leave to file an appeal, plaintiff does not require leave of this court to file an appeal and the
2 motion will therefore be denied.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for an extension of time
4 and for leave to file an appeal (ECF No. 14) is GRANTED in part and DENIED in part. The
5 motion is granted to the extent that plaintiff shall have thirty days from the service of this order to
6 pay the filing fee. The motion is otherwise DENIED.

7 DATED: August 8, 2022

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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